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States. He certainly has fixed the position of the commonwealth in the American system too high. He treats the public law of the United States as it was before the thirteenth, fourteenth, and fifteenth amendments to the national constitution, and does not seem to recognize that an immense change has been wrought in our system by these most cardinal and highly directive principles. It seems to me, also, that he is somewhat inaccurate when he declares that the public law of France is a logically thought out and fully written down system, while that of the United States, in contrast, consists largely of unwritten custom. The written constitutions of the United States and of the several states are much more complete instruments than the written constitution of France. The latter contains only provisions constructing some of the organs of government and a law of elections. It establishes no judiciary and includes no bill of rights. And we would query in what *written* provision of the French law, constitutional or statutory, does M. Boutmy find the principle, now so clearly recognized in the French practice, that the ministry must be in political accord with the majority in the *chambre des députés*? The last two pages of the book contain a genuine surprise to the American reader. The favor, and even enthusiasm, with which the author has appeared to regard English and American institutions naturally suggest the idea that they are offered to the French public as examples for, at least, partial imitation. The concluding declaration, on the contrary, that the English and American systems are daily approaching, and must finally entirely coincide with, the French, and that the difference between them is, after all, only the difference between foremost and hindmost in the race of political civilization, is rather calculated to take the breath out of a Saxon and make him speculate a little more vigorously upon the end of all things than is his wont.

JOHN W. BURGESS.

Popular Government. Four Essays by Sir HENRY SUMNER MAINE, K.C.S.I., LL.D., F.R.S. New York, Henry Holt & Co., 1886. — Large 8vo, xii, 261 pp.

Maine profoundly distrusts democracy. He believes it to be of all forms of government the most difficult, the most unstable, and that which is most perilous to the integrity of the state. He is intensely pessimistic in his view of English political life, because English politics, in his opinion, are tending toward complete and unchecked democracy. He praises the constitution of the United States, of which he treats in the *Fourth Essay*, because it is not democratic; because in our presidency we have reproduced the kingship of George III.; because our Senate is frankly based upon the principle of inequality; and because

the constitution itself is placed beyond the reach of the legislature and almost beyond the reach of the people — its amendment being so difficult as to be almost impossible. The sagacity of its framers, he says, "may well fill the Englishmen who now live *in fæce Romuli* with wonder and envy."

That democracy is the most difficult and unstable form of government he regards as proven by history. The government of the United States has been strong and stable as compared with other popular governments, but even the United States has had but a short history in comparison with the Roman and Venetian oligarchies or with the Roman empire or the French monarchy. And the government of the United States, although popular, is not democratic.

That democracy is perilous to the integrity of the state, Maine suggests rather than affirms.

In all war and all diplomacy, in every part of foreign policy, caprice, wilfulness, loss of self-command, timidity, temerity, inconsistency, indecency, and coarseness, are weaknesses which rise to the level of destructive vices; and if Democracy is more liable to them than are other forms of government, it is to that extent inferior to them. [Page 62.]

Perhaps the most suggestive line of thought in the book is found in a series of scattered passages referring to the probable tendency of democracy to disturb the economic organization of society. That the advent of democracy is expected to better in some way the condition of the *demos* he shows by a quotation from Labouchere (pages 43, 44) — and might have shown equally well by a quotation from Jack Cade. Demagogues have always promised the people that the pint pot shall hold a quart. Now, Maine argues, if wealth is constantly perishing and being re-created, and if the maintenance of existence on the lowest possible average level demands constant labor, what will be the result of prophesying socialistic utopias to the workingmen? If entire communities may be brought through penury to starvation by extinguishing the hope of the laborer, may not the incentive to labor be removed with equally fatal results by awakening false hopes? [Pages 44-50.]

In another part of the book Maine finds another reason for his forecast of social disturbance. Popular government has never been carried on except by party machinery. Party machinery has never been kept in operation without hope of tangible reward. Legislation is steadily narrowing the possibilities of corruption; it is taking the offices out of politics. What will take the place of the offices? What new spoils can be offered the victors? Maine thinks that the oil necessary "to lubricate the wheels of the machine . . . may consist in . . . legislating away the property of one class and transferring it to another." [Page 106.]

That such socialistic tendencies have not shown themselves in the United States is ascribed by the author to the "boundless, unexhausted wealth" of our country. And Maine finds great safety for us, in the future, in our constitutional provisions prohibiting legislation "impairing the obligation of contracts," and in the Dartmouth College case. [Pages 246 ff.] The author does not seem to be aware of the extent to which the doctrine of that case has been modified in later decisions; nor, in declaring it to be the basis of the credit of American railroads, does he seem to know that the rights of the people are now regularly reserved in all grants of charters.

The book has naturally made much stir both in England and the United States. It challenges notice, of course, by the attitude taken, and by the somewhat paradoxical way in which the author states his conclusions; but it also compels attention by the force of its arguments, the clearness of their formulation, and the wealth of happy illustration. These are qualities with which readers of Maine's other books are familiar; but this book ought to reach a wider public than *Ancient Law* or *Village Communities*.

MUNROE SMITH.

The Financial History of the United States from 1861 to 1885.

By ALBERT S. BOLLES. New York, D. Appleton & Co., 1886. — xi, 585 pp.

The publication of this bulky volume practically ends Mr. Bolles' work, though he announces a further volume of statistical matter. It cannot be said that in his third volume he shows any improvement in the manner of dealing with his subject, as he still retains an arrangement that is faulty and confusing. The division of chapters appears to be haphazard, and involves going over the same period again and again. For example, in the earlier part of the work the suspension of specie payments and the issue of legal tender notes (1860-61) are treated; then follow chapters bringing the history of the Treasury down to 1865, when another section tells of the effects of issuing legal tender notes and the suspension. This is all very well, but on turning to the next chapter the reader is made to go back to the beginning. Loans and issues are apparently laid aside when chapters on taxation and the growth of the debt occur. Even this is not all; for after an account of the national banking system we are told of appropriations and expenditures during the war, and finally of the cost of the war. In the second part of the work, describing *post bellum* finance, this arrangement, or lack of arrangement, is even more absurd and bewildering, forming one of the